



**COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING AND BUILDING
STAFF REPORT**

PLANNING COMMISSION

*Promoting the wise use of land
Helping build great communities*

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| MEETING DATE September 24, 2015 | CONTACT/PHONE Holly Phipps 781-1162 hhipps@co.slo.ca.us | APPLICANT Frank Mazzone | FILE NO. LRP2013-00016 |
| SUBJECT Hearing to consider a request by FRANK MAZZONE for an amendment to the San Luis Bay (Inland) Area Plan of the Land Use Element (LRP2013-00016) to change the land use category from Agriculture (16.74 acres) to Residential Rural. A Planning Area Standard is also proposed which will limit any future subdivision to two parcels and prohibit secondary residences. The project site is located at 6505 Monte Road, San Luis Obispo on the east side of Highway 101 at the intersection of San Luis Bay Drive and Monte Road, approximately 3 miles south of the City of San Luis Obispo, in the San Luis Obispo Sub Area North of the San Luis Obispo Planning Area. | | | |
| RECOMMENDED ACTION Recommend to the Board of Supervisors: Approval of this general plan amendment as shown in the attached Exhibits LRP2013-00016 B and C based on the recommended Findings in Exhibit A. | | | |
| ENVIRONMENTAL DETERMINATION A General Rule Exemption (ED15-042) was issued on August 20, 2015. | | | |
| LAND USE CATEGORY Agriculture | COMBINING DESIGNATION None | ASSESSOR PARCEL NUMBER 076-251-044 | SUPERVISOR DISTRICT(S) 3 |
| PLANNING AREA STANDARDS: Section 22.96.050.E.1.b (San Luis Obispo Planning Area; Land Use Category Standards; Residential Rural Standards) | | | |
| EXISTING USES: 6,000 sf single family residence, 1,200 sf secondary residence, old home used for storage, barn, accessory structures | | | |
| SURROUNDING LAND USE CATEGORIES AND USES: <i>North:</i> Agriculture / single-family dwelling and mobile home <i>East:</i> Residential Suburban / single family dwelling <i>South:</i> Agriculture / vineyards <i>West:</i> Agriculture / row crops | | | |
| <small>ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT: COUNTY GOVERNMENT CENTER γ SAN LUIS OBISPO γ CALIFORNIA 93408 γ (805) 781-5600 γ FAX: (805) 781-1242</small> | | | |

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| OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to: Public Works, Environmental Health, Agricultural Commissioner, CAL FIRE, General Services, HEAL SLO, Avila Valle Advisory Council, Cal Trans, City of San Luis Obispo, and Native American Heritage Commission | |
| TOPOGRAPHY: Moderately Sloping | VEGETATION: Grasses, ornamental, oak trees |
| PROPOSED SERVICES: Water supply: Well Sewage Disposal: On-site septic Fire Protection: CAL FIRE | ACCEPTANCE DATE: N/A |

DISCUSSION

Frank Mazzone is requesting an amendment to the San Luis Bay (Inland) Area Plan of the Land Use Element to change the land use category from Agriculture (16.74 acres) to Residential Rural. A Planning Area Standard is also proposed which will limit any future subdivision to two parcels and prohibit secondary residences.

The project site is located at 6505 Monte Road, San Luis Obispo on the east side of Highway 101 at the intersection of San Luis Bay Drive and Monte Road, approximately 3 miles south of the City of San Luis Obispo, in the San Luis Obispo Sub Area North of the San Luis Obispo Planning Area.

The site is moderately sloping and vegetated with non-native grasses and scattered oak trees. Improvements on site include a 6,000 square foot primary residence, a 1,200 square foot secondary residence with an attached garage, an old homestead built in the 1900s which is now used for storage, a barn and other accessory structures.

PROJECT HISTORY

On September 23, 2014, the Board of Supervisors authorized the processing of the applicant's request to amend the San Luis Obispo Sub Area North of the San Luis Obispo Planning Area of the Land Use Element by changing the land use category on a 16.74-acre parcel from Agriculture to Residential Rural and to limit any future subdivision to two parcels and prohibit secondary residences.

AUTHORITY

The Land Use Element sets forth the authority by which the General Plan can be amended. The following factors should be considered by the Commission and the Board in making their decision, pursuant to the Land Use Element:

- a. **Necessity.** Relationship to other existing Land Use Element policies, including the guidelines for land use category amendments, to determine if those policies make the proposed amendment unnecessary or inappropriate.
- b. **Timing.** Whether the proposed change is unnecessary or premature in relation to the inventory of similarly designated land, the amount and nature of similar requests, and the timing of projected growth.
- c. **Vicinity.** Relationship of the site to the surrounding area to determine if the area of the proposed change should be expanded or reduced in order to consider surrounding physical conditions. These may include resource availability, environmental constraints, and carrying capacity for the area in the evaluation.

- d. **Cumulative effects of the request.** Individual property owner requests for changes are evaluated in view of existing build-out, current population and resource capacity conditions, and other important information developed as part of the update process.

MAJOR QUESTIONS

The proposed General Plan amendment raises the following major questions:

1. Is the request consistent with applicable Land Use Element policies relating to the purpose and character statements for the requested Rural Residential land use category?
2. Does the request represent a logical location for Rural Residential land use category?

GENERAL PLAN CONSIDERATIONS AND CONSISTENCY

Guidelines for Land Use Category Amendments

In determining whether to approve a proposed land use category amendment, the Planning Commission and Board of Supervisors may consider, but shall not be limited to, the criteria listed in Exhibit C. These criteria include consistency with existing goals and policies in the General Plan, consistency with the applicable purpose and character statements, compatibility with the character of the general area, convenient access to a road system in the area that is adequate to accommodate the traffic generated, and in an area with demonstrated availability of needed public services and facilities, protection of prime agricultural soils, and if the change is needed to provide a sufficient supply of land for the population of the community or area.

Purpose and Character Statements

Each land use category is defined in the Framework for Planning, a component of the General Plan, using purpose and character statements. These statements are to be used as criteria for evaluating whether a General Plan amendment is appropriate for a specific site. The statements identify suitable features or conditions for the location, extent and timing of designating a land use category.

Rural Residential

The purpose statements for the Rural Residential (RR) land use category include the following:

- a) To provide for residential density at a low density compatible with a rural character and lifestyle which maintains the character of the open countryside and is compatible with surrounding agricultural uses.
- b) To allow limited, compatible non-residential uses commensurate with rural parcel sizes.
- c) To emphasize residential uses in areas where agriculture is clearly a secondary use, or where agriculture is not feasible yet large open areas are maintained as a part of a residential lifestyle.
- d) To encourage agricultural and other open space uses as part time or incidental “hobby” activities, such as horse raising or specialty farming.

Character of Areas Designated as Residential Rural

- a) Areas of existing small-acreage parcels no more than three miles from urban reserve lines that are not commercially viable for agriculture, where the average parcel size within any contiguous area is below 19 acres.

- b) Areas that are outside of urban and village areas and connected to them by county-maintained roads, although exceptions may be observed for existing older subdivided areas.
- c) Areas with slopes generally less than 30%.
- d) Areas with marginal agricultural soils.
- e) Areas with a rural landscape high in visual quality (for example, woodlands, hills, rock formations, existing agriculture and ag accessory buildings) where clustering of allowed densities to less sensitive portions of a site is encouraged to be required through planning area standards.
- f) Areas generally free of fragile natural resources.
- g) Areas where growth will not be premature with respect to utility and public service capacities, or in conflict with agricultural, commercial, or industrial uses. Light agricultural uses are to be encouraged.
- h) Areas where horses and other similar farm animals are allowed accessory to residential uses.
- i) Areas where public services demands are limited, septic tanks and individual wells can suffice for required water and sewer capability.

Staff Response

While the project site is presently designated Agriculture, its size, soil type, and water availability are not sufficient for intensive agricultural production. The site generally meets the Residential Rural purpose and character statements. The parcels will be large enough to sustain dry farm 'hobby' agricultural activities. There are land uses near the site that are zoned Residential Rural and Residential Suburban, which has an even smaller minimum parcel size of 2.5 acres in this area. There are no combining designations or environmentally sensitive resources

General Goals of the Land Use Element

Some applicable general goals of the Land Use Element include the following:

Environment

- Balance the capacity for growth allowed by the Land Use Element with the sustained availability of resources.

Distribution of Land Uses

- Maintain a distinction between urban and rural development by providing for rural uses outside of urban and village areas which are predominately agriculture, low-intensity recreation, residential, and open space uses, which will preserve and enhance the pattern of identifiable communities.
- Identify important agricultural, natural, and other rural areas between cities and communities, and work with landowners to maintain their rural character.

Staff Response

Changing the Land Use Category from Agriculture to Residential Rural is generally compatible with the above goals. The project site is currently developed with two residences. The proposed restrictions would ensure that no additional residential units are developed on the property. As a result, no substantial impacts relating to new residential units are anticipated to occur. The

limitation on number of parcels and the prohibition of secondary dwellings will ensure that development will remain at a low density and that the rural quality of the area is maintained.

Strategic Growth

The Board of Supervisors recently adopted Ordinance 3176, amending the Framework for Planning to include strategic growth principles:

1. Preserve open space, scenic natural beauty, and sensitive environmental area. Conserve energy resources. Conserve agricultural resources and protect agricultural land.
2. Strengthen and direct development towards existing and strategically planned communities.
3. Foster distinctive, attractive communities with a strong sense of place.
4. Create walkable neighborhoods and towns.
5. Provide a variety of transportation choices.
6. Create a range of housing opportunities and choices.
7. Encourage mixed land uses.
8. Take advantage of compact building design.
9. Make development decisions predictable, fair, and cost effective.
10. Encourage community and stakeholder collaboration.
11. Strengthen regional cooperation.

The proposal will allow subdivision of a parcel, but will not affect the residential density. As such, the project is essentially neutral relative to the strategic growth principles.

One particular strategic growth principle that this in potential conflict with this project is Policy 2.2: "Avoid establishing or expanding Residential Rural and Residential Suburban areas outside of urban or village areas." This proposal would introduce the Residential Rural category to an area outside of urban and village reserve lines.

This policy intends to avoid expanding residential development at suburban densities. Residential development at a lesser density is generally consistent with other smart growth principles that promote retaining rural areas in open space. This project would be limited by a planning area standard that will limit any future subdivision to two parcels and prohibit secondary residences.

The Clean Air Plan also includes strategic growth policies, including one such policy which discourages the fracturing of rural lands by subdivision. This policy states that rural areas should be used for agriculture, open space, and very low density residential development (i.e. parcels of 20 acres or greater). The proposed project could result in subdivision of the site down to 2 parcels of approximately 7 acres each; however the project would not increase the density because any future subdivision would be limited to two parcels, which qualifies as low density development.

Timing

The proposed category change from Agriculture to Residential Rural is not premature because adding the project site is not anticipated to affect development patterns due to the restrictive planning area standards proposed.

Additionally there is an existing well on the property that produces 10 gallons per minute and is shared by the two existing residences on the property. The water supply and soil type for the parcel is poor and limits the agricultural uses on site.

Vicinity

The project site is located at 6505 Monte Road, San Luis Obispo on the east side of Highway 101 at the intersection of San Luis Bay Drive and Monte Road, approximately 3 miles south of the City of San Luis Obispo. The land use designation surrounding the property is a combination of Residential Suburban, Residential Rural, Agriculture, and Commercial Retail.

Cumulative Effects of the Request

This parcel is smaller than the minimum parcel size (20 acres) for the Agriculture land use category, and therefore, cannot be subdivided. The Residential Rural land use category provides for a minimum parcel size of 5 acres. In order to reduce potential impacts from future development, the applicant further proposes the following restrictions:

- (1) Any future subdivision would be limited to two parcels; and
- (2) Secondary residences would be prohibited.

As indicated in the following table, the above restrictions would result in no net increase in residential development on the subject parcel. The site is presently developed with two units (one primary, one secondary) on one parcel. Future subdivision would be limited to creation of two parcels, each with one primary unit.

| Development Feature | <i>Current:</i> Agriculture | Land Use Category | |
|-----------------------------|---------------------------------------|--------------------------|---|
| | | Residential Rural | <i>Proposed:</i> Residential Rural + Restrictions |
| Minimum Parcel Size | > 20 acres | 5 acres | 5 acres |
| Potential Parcels | 1 parcel | 3 parcels | 2 parcels |
| Secondary Residences | Allowed | Allowed | Prohibited |
| Potential Residential Units | 2 units | 6 units | 2 units |

Therefore, it is not anticipated that this amendment would induce further growth in this area.

COMMUNITY ADVISORY GROUP COMMENTS

The Avila Valley Advisory Council (AVAC) supports the proposed change in the land use designation from Agriculture, in conjunction with a Planning Area standard that requires future land division to create parcels of 9 and 7.74 acres (meeting date, July 18, 2014).

AGENCY INVOLVEMENT

Public Works Department:

Recommended no increase to the development density.

Agricultural Commissioner's Office:

Based on soil types and existing parcel size the project site does not meet the criteria for an Agricultural designation. Will this proposal increase pressure to convert adjacent agricultural land to a rural residential land use pattern? Should agricultural uses be allowed if they increase water use?

CAL FIRE:

Provides information regarding dead-end road length, vegetation clearance, and other standard fire safety requirements.

Air Pollution Control District (APCD):

APCD does not support this project or this type of development because it could increase the development potential.

Responded with No Comments:

- Environmental Health
- General Services

No Response Received:

- Cal Trans
- California Department of Fish and Game
- City of City of San Luis Obispo
- Heal SLO
- Native American Heritage Commission

Attachments

Exhibit A - Findings

Exhibit B - LRP2013-00016:B - Proposed Land Use Category Map Changes

Exhibit C - LRP2013-00016:C - Proposed Land Use Ordinance Changes

Exhibit D - Graphics

Exhibit E - Guidelines for Land Use Category Amendments

Exhibit F - General Goals of the Land Use Element

Exhibit G - Purpose and Character Statements for Residential Rural

Exhibit H - Referral Responses

Staff report prepared by Holly Phipps and reviewed by Ryan Hostetter, Senior Planner.